

or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

§ 1200.735-48 Confidentiality of employees' statements.

The Board shall hold each statement of employment and financial interests, and each supplementary statement, in confidence. To insure this confidentiality, the Board shall designate which employees are authorized to review and retain the statements. Employees so designated are responsible for maintaining the statements in confidence and shall not allow access to, or allow information to be disclosed from, a statement except to carry out the purpose of this part. The Board shall not disclose information from a statement except as the Civil Service Commission or the Board may determine for good cause shown.

§ 1200.735-49 Effect of employees' statements on other requirements.

The statements of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a manner in which his or the other person's participation is prohibited by law, order, or regulations.

§ 1200.735-50 Specific provisions of Board regulations for special Government employees.

(a) Each special Government employee appointed by the National Mediation Board shall file a statement of employment and financial interests on a form to be furnished by the Board. However, the following special Government employees are not required to file a statement of employment and finan-

cial interests: Neutrals, referees, and arbitrators, who are exempted due to the fact that the duties of the positions held by these employees are of such a nature and at such a level of responsibility that the submission of such a statement is not necessary to protect the integrity of the Government.

(b) It shall be the duty of the National Mediation Board to notify each of its special Government employees of the specific requirements of the Railway Labor Act and Executive Order 11222 concerning impartiality, integrity, and conflicts of interest.

(c) The statement of employment and financial interests required in this section shall be submitted not later than the time of employment of the special Government employee as provided in the Board's regulations in this part. Each special Government employee shall keep his statement current throughout his employment with the Board by the submission of supplementary statements.

PART 1201—DEFINITIONS

Sec.

- 1201.1 Carrier.
- 1201.2 Exceptions.
- 1201.3 Determination as to electric lines.
- 1201.4 Employee.
- 1201.5 Exceptions.
- 1201.6 Representatives.

AUTHORITY: 44 Stat. 577, as amended; 45 U.S.C. 151-163.

SOURCE: 11 FR 177A-922, Sept. 11, 1946, unless otherwise noted. Redesignated at 13 FR 8740, Dec. 30, 1948.

§ 1201.1 Carrier.

The term *carrier* includes any express company, sleeping car company, carrier by railroad, subject to the Interstate Commerce Act (24 Stat. 379, as amended; 49 U.S.C. 1 *et seq.*), and any company which is directly or indirectly owned or controlled by or under common control with any carrier by railroad and which operates any equipment or facilities or performs any service (other than trucking service) in connection with the transportation, receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, and handling of property transported by railroad, and any receiver, trustee,

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or other individual or body, judicial or otherwise, when in the possession of the business of any such “carrier.”

§ 1201.2 Exceptions.

(a) The term “carrier” shall not include any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power.

(b) The term “carrier” shall not include any company by reason of its being engaged in the mining of coal, the supplying of coal to carrier where delivery is not beyond the tipple, and the operation of equipment or facilities therefor or any of such activities.

§ 1201.3 Determination as to electric lines.

The Interstate Commerce Commission is hereby authorized and directed upon request of the Mediation Board or upon complaint of any part interested to determine after hearing whether any line operated by electric power falls within the terms of this part.

§ 1201.4 Employee.

The term *employee* as used in this part includes every person in the service of a carrier (subject to its continuing authority to supervise and direct the manner of rendition of his service) who performs any work defined as that of an employee or subordinate official in the orders of the Interstate Commerce Commission now in effect, and as the same may be amended or interpreted by orders hereafter entered by the Commission pursuant to the authority which is hereby conferred upon it to enter orders amending or interpreting such existing orders: *Provided, however,* That no occupational classification made by order of the Interstate Commerce Commission shall be construed to define the crafts according to which railway employees may be organized by their voluntary action, nor shall the jurisdiction or powers of such employee organizations be regarded as in any way limited or defined by the provisions of this Act or by the orders of the Commission.

§ 1201.5 Exceptions.

The term “employee” shall not include any individual while such individual is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard locomotives) of coal not beyond the mine tipple, or the loading of coal at the tipple.

§ 1201.6 Representatives.

The term *representative* means any person or persons, labor union, organization, or corporation designated either by a carrier or group of carriers or by its or their employees, to act for it or them.

PART 1202—RULES OF PROCEDURE

Sec.

1202.1 Mediation.

1202.2 Interpretation of mediation agreements.

1202.3 Representation disputes.

1202.4 Secret ballot.

1202.5 Rules to govern elections.

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1202.8 Hearings on craft or class.

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1202.11 Emergency boards.

1202.12 National Air Transport Adjustment Board.

1202.13 Air carriers.

1202.14 Labor members of Adjustment Board.

1202.15 Length of briefs in NMB hearing proceedings.

AUTHORITY: 44 Stat. 577, as amended; 45 U.S.C. 151-163.

SOURCE: 11 FR 177A-922, Sept. 11, 1946, unless otherwise noted. Redesignated at 13 FR 8740, Dec. 30, 1948.

§ 1202.1 Mediation.

The mediation services of the Board may be invoked by the parties, or either party, to a dispute between an employee or group of employees and a carrier concerning changes in rates of pay, rules, or working conditions not adjusted by the parties in conference; also, concerning a dispute not referable to the National Railroad Adjustment Board or appropriate airline adjustment board, when not adjusted in conference between the parties, or where